

ATTORNEY DOCKET NO.: 2001P14042WOUS

Amendments to the Drawings:

Please enter the enclosed, new Figure 6 in the record.

REMARKS

A petition to extend the time for response by one (1) month is enclosed herewith.

The specification has been amended. A new drawing in the form of Figure 6 has been added. Claims 1-8 have been cancelled. A new independent claim 9, new claims 10 – 15 depending ultimately from new independent claim 9, a new independent claim 16, a new independent claim 17, and a new dependent claim 18 depending from new independent claim 17 have been added. Claims 9 – 18 are currently pending in the present application.

By the aforesaid official action, the Examiner has objected to the drawings under 35CFR § 1.83(a). Accordingly, the Applicant has presented a new drawing in the form of Figure 6 and it is respectfully requested that the aforesaid objection to the drawings be withdrawn.

Claims 1-8 stand rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claim 1 over U.S. Patent No. D483384. It is respectfully submitted that this rejection is now moot in view of the cancellation of claims 1 – 8. However, Applicant is willing to provide an appropriate terminal disclaimer with respect to U.S. Patent No. D483384 in the event that the currently pending claims 9 – 18 are ultimately deemed allowable.

Substantively, the claims stand rejected under the cited prior art of record. Specifically, Claims 1, 2, 4 and 8 were rejected under 35 USC §102(b) as being anticipated by Johnson et al., U.S. Patent No. 6,805,542 (Johnson '542). Claim 3 was rejected under 35 USC §103(a) as being unpatentable over Johnson '542. Claims 5-7 were rejected under 35 USC §103(a) as being unpatentable over

Johnson '542 in view of Bales, US Patent No. 1,758,307 (Bales '307). It is respectfully submitted that these rejections are now moot in view of the cancellation of claims 1 – 8.

Applicant submits that new claims 9 – 18 submitted herewith patentably define over the prior art of record.

New independent claim 9 recites a door storage compartment for a refrigerator having at least one first storage compartment portion having a full first horizontally-directed depth and a first vertically-directed storage depth. The storage compartment of the present invention further includes a second storage compartment portion having a front wall. The second storage compartment portion has a second horizontally-directed depth less than the full first horizontally-directed depth and follows the first storage compartment portion in a longitudinal direction of the door storage compartment. The front wall of the second storage compartment portion has a second vertically-directed storage depth substantially the same as the first vertically-directed storage depth, whereby the second vertically-directed storage depth of the second storage compartment portion is substantially the same as the first vertically-directed storage depth.

New independent claim 16 is directed to a refrigerator having a housing and a door attached to the housing. First and second storage compartments are mounted to the door and include the features as described in Claim 9 above.

New independent claim 17 is directed to a door storage compartment for a refrigerator as described above wherein said at least one second storage compartment portion includes a sloped front wall portion extending angularly downwardly between an access opening and a base of the second storage

compartment portion with the base defining an area less than an area defined by the access opening. Optionally, the base may be open so that items may extend from the access opening through the base and, therefore, outwardly from the second storage compartment portion.

In substantial contrast, Johnson '542 teaches a shelf 88 that is seen in Figure 2 and formed with a reduced depth section 90 in order that large items to be refrigerated such as large beverage containers can be supported upon lower shelf 72 and project above intermediate shelf 88 within shelf compartment 60. (Col. 4, Lines 60 – 65). As can be seen from the foregoing and in the figures, the shelf 88 has no storage depth and the reduced depth section 90 likewise has no storage depth. Therefore, the Johnson '542 shelves are not only structurally dissimilar from the storage compartments of the present invention, such shelves cannot function in the manner of the two storage compartments provided by the present invention. The reduced depth section 90 of Johnson '542 is of such a reduced depth as to be incapable of holding anything and therefore cannot function for refrigerator storage, unlike the present invention which includes a second storage compartment of abbreviated horizontal depth and full vertical depth.

Bales '307 teaches a shelf construction with an upstanding wall 12 and a horizontally-extending flange projecting from either end thereof. The Bales '307 patent does not teach, nor does it suggest an intermediate wall between two storage compartments. Therefore not only is Johnson '542 inappropriate for combination, Bales '307 is also improperly combined with Johnson '542. Further, there is no incentive or suggestion to combine the references and, in any event, a combination of Johnson '542 and Bales '307 does not result in the present invention because the present invention includes structural features found in neither the Johnson '542 nor the Bales '307 references.

New independent Claim 17 recites a sloped front wall portion of the second storage compartment portion extending angularly downwardly between an access opening and a base of the second storage compartment portion with the base defining an area less than an area defined by the access opening

The cited art, particularly Johnson '542 does not disclose a front wall portion of a second storage compartment portion as recited in Claim 17. More specifically, the prior art does not disclose, among other things, a sloped front wall portion.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 9 - 18 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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